



**Delaware Jockey's Health & Welfare Benefit Board
Minutes of Regular Meeting Held On
June 17, 2015**

The Delaware Jockey's Health & Welfare Benefit Board held a Regular Meeting on Wednesday, June 17, 2015, at 9:05 a.m., in the Horseman's Office, 2nd Floor, at Delaware Park, 777 Delaware Park Blvd, Wilmington, DE 19804

The following Board members were present:

Edward J. Stegemeier, Chairman
W. Duncan Patterson, Jr., DTRC Chair, Ex-Officio Member
Bessie Gruwell, DTHA Executive Director
Pete Lizarzaburu, Retired Jockey
Mindy Coleman, Esq. Jockey's Guild Attorney
John E. Mooney, Delaware Park, Executive Director of Racing

The following Board members were absent

Delaware Jockey Board Member – Active Rider – Position Currently Vacant

The following individuals also were present:

Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC Executive Director
Robert E. Colton, Delaware Jockey's Association, Director
Richard A. Levine, Esq., DTRC Commissioner
Scott B. Spieth, Delaware Park Jockey
Kevin DeLucia, Delaware Park, Sr. Vice President & CFO, Racing–Administration
Steven Bertrando, DTHA-DHAF
Pam Rash, DTRC (recording minutes)

1. WELCOME AND CALL TO ORDER

Chairman Stegemeier called the meeting to order at approximately 9:05 a.m.

2. APPROVAL OF MINUTES

Upon a motion duly made (Gruwell) and seconded (Mooney), the minutes from January 14, 2015 were approved.

3. OLD BUSINESS

A. Counseling Service Agreement

Robert Colton indicated there have been no changes. Ms. Nan Bernardo-Freeman was there opening day. Mr. Colton has been in touch with here to come up with some more programs. They will be getting together to discuss some ideas. He wants here to be more visible.

Mr. Colton introduced Scott Spieth, Jockey. Mr. Spieth will be eligible for inclusion in the medical plan. He managed the Presque Isle Jockey Insurance in Eerie, Pa. He has been in our plan under the umbrella of California Jockey Welfare Corporation so he is very familiar with it. He would be a good candidate to sit on our board when he is eligible.

Mr. Colton returned the discussion back to counseling and thought there had been no invoices submitted as of May 31. Mr. John Wayne indicated there was an invoice received for \$17.50.

B. Insurance Program Update

Mr. Colton directed the meeting to the State of the Fund.

4. NEW BUSINESS

A. State of the Fund

Robert Colton gave the following report:

The Year-to-Date Revenue Less Expenses as of May 31, 2015 is a surplus of \$27,658. The unencumbered balance for the fund is \$902,266. Projected 2015 Revenue Less Expenses is a surplus of \$36,004. The 2015 Estimated Revenue Less Expenses with all eligible members would be a cost of \$113,558. This is just an estimate. He takes an average of all retired members, an average of all active riders and multiply by whom he believes is eligible. If we covered everybody it would be a loss of \$113,358.

Chairman asked what the possibility is that the 15 eligible will join the plan. Mr. Colton stated this was hard to estimate. All he can do is provide a projection. He is going on a statistical basis. For this year's projection, new riders coming into the plan are about 15% higher and he added 15% to the total costs. A few of the 11 active jockeys were dropped. Bessie Gruwell asked if there are any time restrictions for retired jockeys to join. Mr. Colton responded the only requirement required is that a jockey coming into the plan must show insurance coverage for at least 6 months. This keeps jockeys from joining and dropping to cover specific illnesses.

Chairman Stegemeier's concern is that something could change (i.e. rate increases). He asked how the plan compares to surrounding jurisdictions in terms of coverage – what this plan offers vs. what their plans offer. Mr. Colton indicated all the groups under the umbrella of the California Jockey Core utilize the same plan with the exception of California which has an HMO. The difference Delaware has is Guardian, which was provided through the previous broker. Guardian will not expand to the large group, but will not cancel Delaware as long as the policy is in force. Delaware also provides free counseling and is the only track that provides additional excess on-track policy. Chairman Stegemeier asked about the co-pay. Mr. Colton stated the co-pay varies. Delaware's plan is very similar to California's which is about 33%. Delaware's is 30% maximum and 27% on Guardian. Mr. Colton then takes the 70% that is subsidized on the Cadillac plan and applies it to the other plans. The premiums almost mirror California's. Mindy Coleman indicated that none of the three surrounding tracks are in the Aetna Plan. Prescott may have gone back. Penn National has a different program. Parks is set up with a local HMO and must be a Pennsylvania resident and only covers 5 surrounding counties.

Chairman Stegemeier summed up the discussion: everything is under control and there may be a slight surplus this year. Mr. Colton confirmed. Chairman Stegemeier asked Mr. Colton for an estimate of new members coming in. Mr. Colton stated that 12 are new riders and some have expressed interest. Chairman Stegemeier confirmed that those coming in will replace those going out. Mr. Colton stated yes, it will be a wash.

C. Helmet and Vest Program Discussion

Mr. Colton would like to propose that the Delaware Jockeys' Association offer a Damaged Helmet and Vest Replacement Program. He stated that if a helmet or vest is damaged during a race and needs to be replaced, the jockey is usually injured enough to suffer a loss of income which puts a financial burden on the rider. Mr. Colton shared the costs and indicated he could possibly get a larger discount. Mr. Colton's only request is that only approved equipment be replaced. If a rider is not using an approved vest and we replace it with a high-end replacement, the rider could turn around and sell it and use an unapproved vest.

Mindy Coleman indicated there was a jurisdiction (New Mexico) where the stewards are enforcing the approved equipment rule. They are lining the jockeys up in the jockeys' room and inspecting. If a tag is removed or they are not wearing approved equipment, they will be fined. Mr. Colton stated he had proposed that here. He would like to see a standard base. Ms. Gruwell thought there was a standard base. Mr. Colton responded that there is only a recommended base. John Mooney indicated the main reason there is no standard is there is question about what the true standard. John Wayne stated there have been a few vests confiscated over the last few years because of poor quality. Ms. Coleman indicated that the jockeys feel the approved vests are too restrictive. Research is being done to find the right level of protection and restrictiveness. Duncan Patterson shared a personal experience where he had fallen and the horse stepped on his back. There was a visible imprint in the vest. If he did not have the quality vest, it probably would have broken his back.

Mr. Patterson asked why the GPA Jock Up helmets more expensive. Mr. Colton indicated a lot is just style. Also, because of the litigation allowed in the US, a lot of manufacturers will not ship directly to the US. They come through a third party which raises the cost. Mr. Patterson questioned the practicality of requiring a two helmet rule and asked if the Clerk of Scales or designated individual has the experience and the knowledge to determine if the helmet is damaged. He also asked what keeps them from using that same helmet at another meet? He is in support of having two helmets but questions the practicality of enforcing such a rule. Mr. Colton indicated it would not be enforcing, it would be voluntary. They can keep the helmet if they choose. It will be when there is obvious physical damage.

Chairman Stegemeier stated he still is disappointed about the time \$20,000 was spend on vests and jockeys turned around and sold them. John Mooney agreed and stated that jockeys from other tracks would call jockeys here and ask them to get free vests for them. Chairman Stegemeier feels that there is personal responsibility for personal equipment and this is an area not to get into. Who's going to determine when something needs replacing? What do we do about costs? Mr. Mooney has concern about visual inspection. When testing helmets last year, one manufacturer indicated that visual inspection was not good enough that an instrument is needed to be placed on the product to be sure there is no interior damage which is not obvious to the human eye. Mr. Colton felt that a lot of times the visual inspection with pulling back the liner, etc. can give you enough info. Duncan Patterson stated they are designed as a one-spill helmet. Once there is a spill, the helmet is compromised. The helmet may look fine. Mindy Coleman remembered when she was young and in the pony club a helmet had to be replaced after a spill because the helmet was compromised and if there was not a head injury the helmet did its job. It had absorbed the impact and the helmet needed to be replaced.

Chairman Stegemeier reminded the group that legislation was passed ten years ago to set up the funding for jockeys health care and in it the language is such that it cover riders who ride regularly at Delaware Park. This would divert money to anyone who rides at Delaware Park. John Mooney agreed and stated more research is needed. Bessie Gruwell is not a fan of free because it is not appreciated. She would be more about cost sharing if it is decided to go in this direction.

B. Concussion Research Project and Impact Sensors

Mr. Colton shared a Linx Impact Assessment System with the group. Link is made by BlackBox Biometrics who invented the Blast Gauge System which is used by U.S. Special Forces and several police forces to measure the force of a bomb. They were just awarded a

\$10MM contract with the Department of Defense (their second contract). They are testing this system. They have provided Mr. Colton with 20 systems. It works wirelessly with blue tooth up to 100 meters away. The device is registered with an IOS device. It starts monitoring that device, and the device is assigned to an athlete where it is worn in a skull cap or headband. It measures the impact and provides a score that a doctor can use in terms of the severity of the impact. If it loses connectivity it still monitors. It charges in two hours and lasts about 11-12 hours playing time. Chairman Stegemeier noted the statement that the device has a battery life of one week. Is that something that gets turned off and on? Mr. Colton indicated the motion turns it on and off and it still needs recharging on a weekly basis. BlackBox provided Mr. Colton with charging banks. Mr. Colton visited BlackBox in Rochester where he had a tour and was trained on entering info and understanding the software.

John Wayne asked how that information is conveyed to the hospital. Mr. Colton stated they are working on that. He brought it to their attention. They said it will be on an IOS device but he felt it would be hard to take an IOS device into a crowded emergency room. They suggested for now it could be pulled off the screen and entered into an accident report form. He feels it will be a year or more testing. There are issues in our sport that the company has not come across in other sports; i.e. the jockey is traveling at over 40 mph on a mile track. They have been very supportive of this.

Chairman Stegemeier asked Mr. Colton if we proceed with this test program at a cost of approximately \$3,000 for 20 riders, how he sees this playing out. If this test works, is this something he sees as mandatory? What does he estimate the expense per jockey; and where does he think the money will come from? Mr. Colton shared that there is a need. There are an estimated 3.8MM concussions a year in sports in the United States. Approximately 50% of those are undiagnosed or under diagnosed. Mr. Colton referenced what has been going on in the NFL. The British Horse Racing Authority has tracked all horse jockey injuries since the early 1990s. They put in a concussion protocol in the mid 1990's. As a result they have the longest study of one occupation in the world. It has been continuous for over 20 years. As a result it has shown jockeys have the highest concussion rate of all the sports. It is almost double the rate of Boxing. The British Horse Racing Authority has shown that once you can track and deal with concussions it lowered the number of concussions as well as the number of injuries. Sending a rider out who does not have full control of mental faculties makes poor judgment and can cause injury to other riders and horses.

Mr. Colton indicated the cost would be about \$150/unit. If the industry took a serious approach and mandated it the cost could be higher. This is going to be a long term implementation, approximately 2-3 years. This is not a medical device. All it does is show the impact. Chairman Stegemeier feels like it would almost have to be mandatory if they prove the value.

Mr. Mooney recalled the concerns that were made about the waiver of all liability and responsibility by the manufacturer and it mentions Delaware Park. He has requested meetings for our legal counsel to review so everyone knows the risk. This needs to be done before Delaware Park agrees to this. Mr. Colton stated he emailed Mr. Mooney and Kevin DeLucia and got no response. Mr. DeLucia indicated the information was forwarded to their lawyers. The waiver as it is will not work and they are waiting for the lawyer's comments. Mr. Colton hopes that the jockeys will see the benefit of this and realize they are not waiving insurance, etc. It is a tool to help the doctors diagnose. Mr. Mooney agrees but does have concerns. If the device shows there is not a serious concussion and the individual ends up in the hospital the next day with a serious concussion, this could be a problem. Mindy Coleman noted the Jockey Guild is also involved in this, and the holdup is concerns with the waiver. The one thing there is disagreement on is it is a baseline and is not used to diagnose a concussion. It needs to be done in conjunction with other protocols. They do feel this is something that could have a positive impact. Their major concern is the waivers.

Bessie Gruwell stated there is a lot of this going around in sports and at schools. Her daughter fell and hit her head. They went to Christiana Hospital. They examined her and release her. Two days later she went back to school and the school nurse told her she

needed to get to the pediatrician who sent her to A.I. DuPont Hospital. They have a concussion clinic and do all the baseline testing. They recommend that every school have a baseline test. It took her 4 months to get over the concussion.

Ms. Coleman had a neurologist come to the Guild meeting two years ago. He stated the level of treatment that jockeys receive as professional athletes is less than what a girls' soccer team receives. Compared to what has been done with the international jockeys, the United States is so behind on protocols and testing. The impact baseline is a small step toward that end. The only hold-up is the waivers.

Chairman Stegemeier stated that everyone is in agreement that this is a good program; however, he does not see how this can be implemented in July because of the concerns that the track and Guild have. He feels it may be feasible to wait until the Jockey Guild has completed their review of the waivers. Mr. DeLucia wants their lawyers to review. They would like to meet with their EMT and EMS Medical Director. Mr. DeLucia stated they are supportive of it; they just need to be sure everyone is protected as well. Chairman Stegemeier stated this should be tabled until some of these issues are resolved.

Mr. Colton was hoping for a tentative approval if the waiver issue is resolved. Ms. Gruwell made a motion that as long as the Jockey Guild and Delaware Park attorneys can agree on the waiver, that we can tentatively proceed. Mr. Mooney asked if this is July 1 implementation. Mr. Colton stated that it was a tentative schedule. He will take it step by step and it does not go to the next phase until each phase is completed. The date would be dependent upon when the waivers are approved. Mr. Mooney stated that for Delaware Park to agree to this they would have to meet with medical personnel and anyone else involved. Mr. Colton agreed and would like to be involved. Duncan Patterson questioned the need for such a motion at this time. Mr. Mooney agreed. Mr. Patterson also stated that technology is evolving very quickly so delaying is not necessarily a bad thing. Chairman Stegemeier indicated that Mr. Colton is looking for assurances that we are supportive of the program if everything falls into place. Everything is predicated on Delaware Park agreeing to the waiver. He stated there is probably support of the program if these issues can be resolved.

Chairman Stegemeier asked if the numbers in the Executive Summary regarding 152 jockey fatalities from 1940 to 2012 was accurate. Mindy Coleman stated yes, but the number is actually 156. The average is 2 killed and 2 paralyzed per year. People don't hear about it.

Chairman Stegemeier asked Mr. Colton when he referred to partial sponsors who was he referring to. Mr. Colton stated that John Unick is interested. John Wayne stated he reached out to him at Belmont Day. Mr. Colton indicated that Mr. Unick contacted him.

Mr. Colton pointed out that prior to 2004 the rate/falls was 2.54%, after BHA AC concussion protocol the rate/falls dropped 25% to 02.10%. The number of injuries and the number of concussions dropped. Mr. Stegemeier noted that female jockey concussion rate is much higher.

D. Travel Expenses for Robert Colton

Mr. Colton indicated there are two trips he would like to take. In the past, he has paid for these trips himself. The first trip is to Hong Kong for the 2015 International Conference of Health, Welfare and Safety of Jockeys to be held on September 24 & 25 with a Jockey Association Conference to be held on September 23. The travel costs will be approximately \$2,000. The second trip is the sixth edition of the Welfare & Safety of the Racehorse Summit at Keeneland in Lexington, KY to be held on July 8. The total cost will be approximately \$850.

Bessie Gruwell felt that since he is a salaried employee now, he should have a travel expense for these trips. She does not feel he should pay for travel out of his pocket. Chairman Stegemeier felt that the bill that sets up the jockey fund will not permit it. It is for jockeys who ride regularly at Delaware Park and for reasonable administrative costs. Ms. Gruwell felt that travel could be considered reasonable administrative costs. Chairman

Stegemeier felt that his salary is reasonable administrative costs and could look at a salary increase. Chairman Stegemeier asked DAG Andrew Kerber for advice. Mr. Kerber indicated that reasonable administrative costs would include salary and travel expense. Part of Mr. Colton's value is that he is up-to-date and if travel is required for that, then it is part of reasonable administrative costs.

Upon a motion duly made (Mooney) and seconded (Gruwell), it was agreed that Mr. Colton's travel expenses will be covered.

E. Eligibility for Retired Jockeys

DAG Andrew Kerber indicated that Chairman Stegemeier signed the order at the last meeting. Mr. Kerber submitted it to the Registrar of Regulations. It should have gone into the June registrar, but they contacted him and stated that there was a mail delay and it will be published July 1.

5. PUBLIC COMMENT

None

6. ADJOURNMENT

Upon a motion duly made (Gruwell) and seconded (Mooney), the meeting was adjourned at approximately 10:07 a.m.